

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jiliang TANG et al.

Application No.: 10/581,099

Filed: (Int'l) December 1, 2004

For: A GENE ENCODING  
PHOSPHOENOLPYRUVATE SYNTHASE  
FOR PLANT PROTECTION (AS AMENDED)

Confirmation No.: 5385

Art Unit: 1638

Examiner: Medina A. Ibrahim

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This is responsive to the non-final Office Action dated September 18, 2008 and the second Notice of Non-Responsive Amendment dated January 14, 2009, for which a response is due on February 17, 2009 (February 14, 2009 falls on a Saturday, and Monday, February 16, 2009 is Washington's Birthday, a federal holiday). Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims beginning on page 3.

**Remarks/Arguments** begin on page 4 of this paper.